IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11167 of 2004

Between:

Md.Zaheeruddin, E-110943, Driver, S/o.Sardar Ali,
Kalwakurthy Depot, R/o.Jadcherla, Mahabubnagar Dist.
..... PETITIONER

AND

1 The APSRTC, rep.by its M.D., Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Mahaboobnagar Region, Mahaboobnagar.
3 The Depot Manager,APSRTC., Kalwakukrthy Depot, Mahaboobnagar.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of "Mandamus" declaring the action of the respondent herein in not providing alternative employment and retiring the petitioner from service vide proc. No.P1/255(1)/2003 - Kalwakurthy Dt.28-02-2004 as illegal, and contrary to the provisions of Sec.47 of the persons with disabilities (equal opportunities protection of rights and full participation) Act, 1995 is illegal, arbitrary and against to the principles of natural justice and violative of Art. 14, 16 and 21 of the Constitution of India and as such set aside the same with a consequential direction to reinstate the petitioner forthwith in any alternative employment in the interest of justice.

Counsel for the Petitioner :MR.S.M.SUBHAN, Advocate

For the Respondent Nos.1 to 3: MR.K.HARINATH, SC for APSRTC

The Court at the admission stage made the following :
ORDER:

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The grievance of the petitioner is that the respondents-Corporation rejected his application to provide alternative employment as Conductor, by impugned order dated 28.02.2004, which is illegal and arbitrary.

The petitioner was retired from service on medical grounds by impugned proceedings dated 28.02.2004 for which the petitioner made a representation to the respondent-Corporation for providing alternative job as Conductor. In pursuance of that representation, the impugned order has been passed rejecting the application of the petitioner on the ground that there are excess Conductors to the requirement in the region. It is not in dispute that when a person is removed from service on medical invalidation, he has to be given alternative employment as provided under Section 47 of the Persons with disabilities (equal opportunities protection of rights and full participation) Act, 1995.

The writ petition, in my view, is totally devoid of merits because the petitioner has applied for the alternative employment of the Conductor, his application was rejected on the ground that there are excess Conductors to the requirement in the region. Therefore, the impugned order is rightly passed and there are no reasons to interfere with the impugned order passed by the respondent-Corporation.

Accordingly, the writ petition is disposed of with leave to file a fresh application to the Authorities. In the circumstances of the case, no costs.

02nd July, 2004.

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K.C. BHANU, J

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To

1 The Managing Director, APSRTC, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Mahaboobnagar Region,
Mahaboobnagar.
3 The Depot Manager, APSRTC, Kalwakurthy Depot,
Mahaboobnagar.
4 Two CD copies.